

July 11, 2006

Mr. Grossi called the Workshop Meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m. The Sunshine Statement was read.

Members Present: Mr. Rossi, Mr. Martin, Mr. Bischoff, Mr. Rosol, Mr. Grossi, Mr. Scott

Members Absent: Mr. Mulhall, Mr. Brandt, Mr. Lukasik, Mr. Roth

Others Present: Robert Bogart, Bonnie Bowers Peer, David Mills, Lori Grossi

Mr. Grossi announced that Atty. Howard Cohen was not available for tonight's Executive Session. Signs would be addressed at an upcoming Workshop since Mr. Lukasik had been working on the project.

Peer: Seven Springs Farm: Mr. Grossi asked Ms. Peer to come forward. Letters dated June 20 and July 5, 2006 describing the Land Labs proposal had been provided to the Board. Ms. Peer said she and David Mills met with Leilani Hershey and Dinah Rowbotham, Hunterdon County Planning Board Senior Planner and Assistant Program Administrator/Farmland Preservation. Ms. Peer said Ms. Hershey and Ms. Rowbotham were receptive to the proposal; however they left the decision at the discretion of the Planning Board. The County Representatives believe the proposal is within the rights of Agricultural Preservation and it is the Owners obligation to do work that is inherent to the Deed Restriction. The proposal would provide supplemental income.

Mr. Grossi asked for comments/questions from the Board. Mr. Bischoff asked Ms. Peer if she owned the Bed and Breakfast. Ms. Peer said her parents, James and Dina Bowers, are presently the owners; however, they will be moving off of the property. Ms. Peer said the Bed and Breakfast business would continue. The Land Labs proposal would be in addition to the B & B. Mr. and Mrs. Peer would operate the business; however, there would be a manager. The B & B has four private rooms. Each has its own bath. There is also a master suite. The handicapped-accessible basement would be used in conjunction with Land Labs. Mayor Rossi asked Ms. Peer if she and her husband would become the owners of the Bowers property. Ms. Peer said "possibly", she was unsure. Mr. Rossi was not sure if Ms. Peer could pursue the "Land Labs" proposal, since the property is owned by her parents. Mr. Scott said he did not believe that was an issue. He said the owners could sign the application granting Ms. Peer authorization to proceed. Mr. Rosol said that based upon the comment given tonight that the Land Labs proposal is a permissible use, he isn't sure there is an application. Ms. Peer said that was the point made by the County. Mayor Rossi said the proposal still needs to be addressed by the Planning Board. Mr. Scott understood Ms. Peer was not proposing to change any use. Students would be brought to the Land Labs facility to observe and learn and perhaps assist in the operation of a farm. Ms. Peer said students would be involved to some degree. Mayor Rossi said there would then be a change of use. He restated his position that it is imperative to determine if there is a change in use. Mr. Bischoff concurred with Mr. Rossi.

Mr. Grossi asked for further questions. Mr. Bogart asked if students would be dropped off at Land Labs. Ms. Peer said the instructor from the school would accompany students. The Land Labs population would be small. The basement of the B & B would be utilized during inclement weather. Bathroom facilities are available in that area, as well. Ms. Peer does not see the proposal as a change in use. Mr. Scott asked Mr. Mills if he was familiar with Ms. Peer's proposal. Mr. Mills said "yes". He had met with County Representatives. Mr. Scott asked if there was a concern about the proposal being a permitted use. Mr. Mills said that was never a question. The Representatives said the proposal would be within the bounds of farmland preservation. They did want to know if there was money involved. Mr. Scott asked Mr. Mills if the proposal would or would not be within the permitted uses of Union Township. Mr. Mills said he believed it would be, in fact, it would be an obligation. Ms. Peer said Ms. Hershey had also said it was an obligation. Mr. Grossi asked for additional comments and/or questions. Mr. Grossi said Board members had not expressed any disfavor with the proposal. He said that when the time comes to vote on the application members might change their mind. Mr. Grossi said the Board needs to hear from Atty. Sutphen. Mr. Bogart said Mr. Hintz should also review the proposal. Mr. Bogart said if Mr. Mills is right, then Ms. Peer may not have to come before the Board. Mayor Rossi said he understands that Ms. Peer should file an application and post an escrow in order that Board Professionals could determine if the use is permitted. Mr. Scott said he had no issues with that procedure. He said if Ms. Peer applies to Mr. Mills and a permit is granted, there is nothing for the Board to review.

Ms. Peer asked if she should apply to Mr. Mills and Mr. Hintz. Mr. Bogart said not Mr. Hintz. Mr. Bogart told Ms. Peer that if Mr. Mills granted a permit, she was done. Mr. Scott said that was his perspective. Mr. Rossi said that was not his perspective. He thought the Board should have a legal opinion. Mr. Mills said the County was willing to issue a letter. Mr. Bogart said the issue is whether the proposal complies with the Land Use Code. Mr. Mills said the Ordinance is not specific to such a proposal. Mr. Bogart asked if there would be construction that would trigger a permit. Ms. Peer said "no". Mr. Scott said that was his point. If the use is permitted and Ms. Peer is complying with the Ordinance, there is nothing for the Board to do. Mr. Bogart said he thought the Hunterdon County Department of Health would be involved because of an expanded population at the Bed and Breakfast. Ms. Peer said she had an architectural firm review the space to the way the B & B exists. The firm thought that lighted exit signs would be required. Mr. Bogart told Ms. Peer that when her parents obtained the CO for the B & B, the proposal before the Board was not envisioned. Mr. Bischoff said he understood that Mr. and Mrs. Peer intend to continue the B & B and to add an additional business. Ms. Peer said that was correct, they plan to provide the environment for the students. He feels the proposal is an additional use and he wants to have an opinion as to whether it is a permitted use or a conditional use. Mayor Rossi said the Board had heard his comments. He said, however, that Ms. Peer could go to Mr. Mills for his determination. Mr. Mills could decide that Ms. Peer needs to come to the Board for a resolution.

Mr. Mills has the authority to issue a zoning permit if he determines that the proposal is not an additional or conditional use. Mr. Scott said if the permit is not denied, Ms. Peer would not have to go to the expense of a formal application. Mr. Scott emphasized that it was not necessarily the expense. The Board would be setting a precedent by giving an advisory opinion. Mr. Bischoff did not think it would be an advisory opinion; Ms. Peer is asking whether the use is permitted or conditional. Mr. Rossi said that would be if there was an application. He emphasized his belief that the proposal constitutes an additional use. Mr. Scott agreed with Mr. Rossi. Mr. Rosol said that, basically, the Board would follow the Ordinance. Mr. Grossi said Ms. Peer had received a great deal of information. Ms. Peer thanked the Board.

Correspondence: NJDEP Letter of June 9, 2006 Re: **Spruce Run Exxon Tiger Mart: Block 12, Lot 3.01:** The letter informed owner that the water is acceptable to drink.

Gambony: Block 19, Lot 5.01, 737 Route 625: Mr. and Mrs. Gambony submitted a letter dated June 7, 2006 concerning the Right of Way on their property. The ROW was provided for an extension of Main Street which has since been closed and relocated through Perryville Estates. The Gambonys are requesting that Union Township vacate the easement and revert that land to their property. A Master Plan Road had been proposed. Mr. Bogart said a subdivision/merger application might be required. However, if the original Subdivision Map of the subject property has reversion clauses and shows where the land goes, the Gambonys should go to the Township Committee about the issue. Mr. Bogart said the Township Committee referred the matter to the Planning Board. Board action had created the Subdivision with the reversion clause. Mr. Bogart also said that escrow monies would have to be submitted prior to any review of the matter. He suggested that the Board write a letter to the Committee stating that they do not object to the vacation of the public road. Mr. Grossi asked Mr. Scott to prepare the letter. Mr. Bogart said the proposed dedication encompasses the Driftway. Therefore, the matter should be looked at carefully.

Other Business: Mr. Grossi said that UTEC Chairman Jonas sent a greeting inviting Board members to attend a Green Building Tour in Neptune on July 13, 2006.

Mr. Bischoff had a question about the GIS Ordinance and the fact that it is not being enforced. The issue had been discussed at the May 27, 2006 Board meeting. Mr. Bogart explained that GIS Ordinance information is being sent to his office by developers for review. The Township does not have an employee to work with the Ordinance. Mayor Rossi said that Mr. Mulhall was willing to work with V. J. Di Roberto, UTEC member, regarding the GIS Ordinance.

Mayor Rossi apprised the Board that the Soil Erosion Ordinance was not passed by the Township Committee. Mrs. Dzuibek and Mr. Mulhall indicated that Soil Conservation does inspections and those matters are within their purview. A strong Steep-Slope Ordinance was suggested.

Mr. Bischoff mentioned that the NJDEP has approved Well 15. Mayor Rossi said Toll Bros. is now committed to using city water for Lookout Pointe. Mr. Bogart said water lines had been installed.

Zoning Official Comments: Mr. Mills said there is a buyer for the Albert Homestead at Lookout Pointe. The buyer would like to renovate the house. The farmhouse must be renovated prior to Toll obtaining a Permit to build home No. 32. The buyer would not be ready to complete the renovations prior to Toll's request for that Permit. Mr. Mills wanted to know if the house was bought by a secondary buyer if a different schedule could be obtained. No decision was made.

Mr. Mills had a concern about Township control over County Road Building activities. He said that a pond located on the former Poniatowski property on County Route 614 was inundated with oil and hundreds of fish were killed, as a result. Mayor Rossi told Mr. Mills to bring the matter to the attention of the Township Committee.

Mr. Grossi asked about the dumping of leaves, chips and logs on Charlestown Road. Mr. Mills said he visited the site in response to a call about equipment on the property. He said there was one piece of equipment. Mr. Mills said that most of the woodchips were gone; however, there were logs at the site. Mr. Grossi asked Mr. Mills to further investigate.

Approval of Minutes: A motion to approve the minutes of the June 13, 2006 meeting was made by Mr. Rossi and seconded by Mr. Rosol.

Vote: Ayes: Mr. Rossi, Mr. Rosol, Mr. Martin, Mr. Grossi, Mr. Scott

Abstain: Mr. Bischoff

Motion to Adjourn: A motion to adjourn was made by Mr. Rossi and seconded by Mr. Bischoff. (8:05 p.m.)

Vote: All Ayes

Grace A. Kocher, Secretary